

WORKERS' COMPENSATION - DEATH**BENEFIT**

2002 GENERAL SESSION

STATE OF UTAH

Sponsor: David Clark

This act modifies the Utah Labor Code to address the amount of burial expense to be paid under workers' compensation and to make technical changes.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

34A-2-418, as renumbered and amended by Chapter 375, Laws of Utah 1997

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **34A-2-418** is amended to read:

34A-2-418. Awards -- Medical, nursing, hospital, and burial expenses -- Artificial means and appliances.

(1) In addition to the compensation provided in this chapter or Chapter 3, Utah Occupational Disease Act, the employer or the insurance carrier shall pay reasonable sums for medical, nurse, and hospital services, for medicines, and for artificial means, appliances, and prostheses necessary to treat the injured employee.

(2) [Hf] (a) Subject to Subsection (2)(b), if death results from the injury, the employer or the insurance carrier shall pay the burial expenses;

(i) in ordinary cases, up to \$8,000; or

(ii) in unusual cases:

(A) as established by rule[-] in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act; or

(B) in accordance with Subsection (5).

(b) Beginning in calendar year 2004, the commission:

(i) shall review the amount specified in Subsection (2)(a)(i) every two years; and



28 (ii) may by rule increase the amount specified in Subsection (2)(a)(i) for burial expenses
29 in ordinary cases:

30 (A) after the review required by Subsection (2)(b)(i); and

31 (B) if the commission determines that the amount specified in Subsection (2)(a)(i) should
32 be increased to be equitable as compared to the average expense incurred in burying an individual
33 in the state.

34 (3) If a compensable accident results in the breaking of or loss of an employee's artificial
35 means or appliance including eyeglasses, the employer or insurance carrier shall provide a
36 replacement of the artificial means or appliance.

37 (4) An administrative law judge may require the employer or insurance carrier to maintain
38 the artificial means or appliances or provide the employee with a replacement of any artificial
39 means or appliance for the reason of breakage, wear and tear, deterioration, or obsolescence.

40 (5) An administrative law judge may, in unusual cases, order, as the administrative law
41 judge considers just and proper, the payment of additional sums:

42 (a) for burial expenses; or

43 (b) to provide for artificial means or appliances.

Legislative Review Note
as of 1-3-02 10:17 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel